

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:18-CV-00238-FDW-DSC**

**ARMSTRONG TRANSPORT GROUP**     )  
**INC.,**     )  
     )  
          **Plaintiff,**     )  
     )  
**v.**     )  
     )  
**BAXTER BAILEY & ASSOCIATES**     )  
**INC. et al.,**     )  
     )  
          **Defendants.**     )

---

**ORDER**

**THIS MATTER** is before the Court on “Baxter Bailey & Associates Inc.’s Motion to Compel Discovery” (document # 27) filed December 10, 2019 and the parties associated briefs and exhibits. See documents ## 27, 31 and 32. This Motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and is now ripe for the Court’s consideration.

Defendant Baxter Bailey seeks an order compelling production of (1) financial information related to Armstrong’s alleged damages, (2) information regarding Armstrong’s relationships with HM Danny and Meritor and (3) internal communications and documents in Armstrong’s possession relevant to this action.<sup>1</sup>

---

<sup>1</sup> Baxter Bailey withdraws its Motion for information to support Armstrong’s claim that Baxter Bailey was PGS’s agent based upon Armstrong’s representation that it has no other documentation other than what has already been produced.

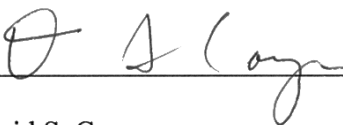
For the reasons set forth in Baxter Bailey's Memorandum in Support (document #27-1) and Reply (document #32), the Motion to Compel is granted as detailed below.

**IT IS ORDERED** that:

1. "Baxter Bailey & Associates Inc.'s Motion to Compel Discovery" (document # 27) is **GRANTED**. Within twenty-one days of this Order, Plaintiff shall fully respond to Defendant's discovery requests. With regard to financial information, Plaintiff shall produce **all** documents it contends support its claim for lost profits.<sup>2</sup> If Plaintiff contends that it has fully responded to a discovery request, it must affirmatively state such compliance in a verified discovery response. In the event that Plaintiff contends any documents are subject to privilege, it shall produce a privilege log.
2. The parties will bear their own costs at this time.
3. The Clerk is directed to send copies of this Order to counsel for the parties, including but not limited to moving counsel, and to the Honorable Frank D. Whitney.

**SO ORDERED.**

Signed: January 30, 2020



David S. Cayer  
United States Magistrate Judge



---

<sup>2</sup> The Court does not order production of Plaintiff's tax returns at this time, but warns Plaintiff that it must produce information to allow Defendant to independently analyze Plaintiff's lost profits claim or risk being precluded from pursuing that claim.